

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil File No. 09-2175 (JNE/FLN)

RICHARD FRIESE and AL STORK, as Trustees of the South Central Minnesota Electrical Workers' Family Health Plan; RICHARD FRIESE and AL STORK as Trustees of the South Central Minnesota Electrical Workers' Retirement and 401(k) Plan; RICHARD FRIESE and AL STORK, as Trustees of the South Central Minnesota Joint Apprenticeship Committee for the Electrical Industry Trust Fund; RICHARD FRIESE and AL STORK as Trustees of the South Central Minnesota Electrical Workers' Vacation and Holiday Plan, and each of their successors,

Plaintiffs,

vs.

**REPORT AND
RECOMMENDATION**

BUILDING SYSTEMS INTEGRATION CORP.,
d/b/a and f/k/a RED WING SERVICE CO.,

Defendant.

This matter came before the undersigned on April 16, 2010 upon Plaintiffs' motion for an Order for Entry of Default. This Court entered an Order on April 16, 2010 (Document No. 20) finding that Plaintiffs were entitled to an Order requiring the Defendants to submit the outstanding fringe benefit fund reports and contributions.

This matter is now before the Court upon motion by the Plaintiffs for entry of a money judgment, which included affidavits identifying the amounts determined to be due following submission of the Defendant's reports, including an affidavit from Amanda R. Cefalu identifying the amounts incurred for attorney fees and costs related to this matter. Defendants have been provided ten (10) days notice of this motion. Therefore,

IT IS HEREBY RECOMMENDED:

1. That in accordance with all of the previous findings and this Court's Order dated April 16, 2010, Plaintiff Trustees for the South Central Minnesota Electrical Workers Benefit Funds shall have judgment against Defendant Building Systems Integration Corp. in the amounts of \$4,000.00 for liquidated damages, \$19,025.11 in fringe fund contributions and \$1,582.75 in attorney fees and costs remaining due relating to the audit period of January 2008 to August 2008. Judgment in the total amount of \$24,607.86 should be entered against Defendant.

The Court recommends that **JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: July 29, 2010

BY THE COURT

s/ Franklin L. Noel
Franklin L. Noel
United States Magistrate Judge
District of Minnesota

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before August 12, 2010, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within fourteen days after service thereof. All briefs filed under the rules shall be limited to 3,500 words. A judge shall make a de novo determination of those portions to which objection is made.

Unless the parties are prepared to stipulate that the District Court is not required by 28 U.S.C. § 636 to review a transcript of the hearing in order to resolve all objections made to this Report and Recommendation, the party making the objections shall timely order and cause to be filed by August 12, 2010, a complete transcript of the hearing.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.